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## PUBLIC ACQUISITIONS DURING THE COVID-19 PANDEMIC AND THE CORRUPTION. CASE STUDY - ROMANIA

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**Abstract:** *THE PRESENT PAPER AIMS AT DEMONSTRATING THAT COVID-19 PANDEMIC, WHICH IMPACTED THE WORLDWIDE IN ALL ITS ASPECTS, WAS, IN FACT “AN UMBRELLA”, WHICH THE CORRUPTION FOUND “FERTILE SOIL” TO FLOURISH. THIS WAS THE CASE, MAINLY OF THE CORRUPTION IN THE HEALTH SYSTEM, WHICH THROUGH THE ACQUISITIONS OF SO-CALLED COVID-19 MEDICAL PRODUCTS FOR PRICES WAY BEYOND USUAL LED TO ENRICHING SOME AND IMPOVERISHING OTHERS. THUS, THE AUTHORS BRING TO THE READERS’ ATTENTION, THROUGH SOME OFFICIAL PUBLICATIONS, A REPORT OF TRANSPARENCY INTERNATIONAL, AN AGENCY INTENDED TO FIGHT CORRUPTION. AFTER DOING RESEARCH ON THE OFFICIAL DOCUMENTS, ON BOTH GOOD PRACTICES, ASSESSING THE RISKS OF CORRUPTION AND THE INVESTIGATION JOURNALISM, WE REACHED THE CONCLUSION THAT THE EMERGENCY DECLARED IN MARCH 2020 FACILITATED THE CORRUPTION, BOTH THE CORRUPTION AT POLITICAL LEVEL AS WELL AS THE PETTY CORRUPTION.*

**Keywords:** CORRUPTION, COVID-19 PANDEMIC, “FERTILE SOIL/ GROUND”, ACQUISITIONS/ PROCUREMENT, TRANSPARENCY

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### 1. Introduction

*„Voi arătați prin zilnică pildă că corupția e mijlocul cel mai lesnicios de trai în România. Acesta este spiritul cel rău care desface societățile românești și le nimicește pân-în sfârșit; acesta este veninul care dă loc la mișcări sociale și la nemulțumire [...] contribuie a destrăma spiritul public, a-l face să nu mai crează nici în drept, nici în bine, a nu mai aștepta nimic de la muncă, totul de la tertip și de la apucătură.... Nimic nu e mai periculos pentru conștiința unui popor decât priveriștea corupției și a nulițăii compensate [...]Aceasta priveriște îi ia poporului încrederea în valoarea muncii și în siguranța înaintării prin merit. Dându-le zilnic exemplul ca, fără a ști ceva și fra a fi muncit, cineva poate ajunge bogat și om de vază [...]*



*contagiul intelectual devine endemic epidemic, trece de la restrânsul grup [...] la grupuri din ce în ce mai numeroase de cetățeni.” (Mihai Eminescu, Opere, XIII, Editura Academiei RSR, București, 1985, pag 124).*

“În sens larg, corupție este abatere de la moralitate, de la cinste, de la datorie. Ca expresie a relației dintre autorități și cetățeni, corupția reprezintă folosirea discreționară a poziției sau a funcției, prin recurgerea la mijloace ilicite sau ilegale, în scopul obținerii unor interese personale sau de grup. Pentru ca o faptă de corupție să constituie infracțiune și, prin urmare să fie supusă sancțiunilor penale, trebuie să întrunească elementele prevăzute de legea penală.”  
(Sursa: POCA)

The two quotations in Romanian have the aim to introduce the reader to the subject matter of the article, namely the corruption during the covid-19 pandemic and its consequences.

The global emergency, which was declared in March 2020, has affected all sectors of activity globally. However, there were areas for which the health crisis was a gold mine. We refer here to public procurement, which has opened Pandora's box for corruption risks.

This case study has two parts. The first is based on a publication by a team of researchers, which was financed by European Union funds. The publication, as its title shows, public procurement in emergency situations in the context of covid-19 in Romania: Corruption risks and market behaviour (Abdou et al., 2021, p.1) is the result of analytical research by investigative journalists. The second part includes the concrete cases of two companies, which during the pandemic carried out activities with a high risk of corruption, under the comprehensive umbrella of the fight against covid-19.

The EU-funded document is also in two parts. The first part deals with corruption risks in the public procurement system in Romania. Interestingly, these corruption risks have been directly influenced by the pandemic of covid-19. On the other hand, the authors set out to analyse the extent to which Integrity Pacts (IPs) are a strong enough mechanism to mitigate corruption risks in public procurement and whether they have any role for corruption risk management.

The objectives of Integrity Pacts, as the material shows, relate to improving transparency and reducing the risk of corruption in public procurement, ensuring the efficient implementation of a public procurement contract. The IP programme is the result of four projects implemented by the Ministry of National Education, the National Agency for Cadastre and Real Estate Publicity, the Ministry of Culture and the Ministry of Works, Development and Public Administration. The Integrity Pacts present the innovative aspect of involving civil society organisations to safeguard anti-corruption commitments, as well as monitoring the four EU-funded projects.

## 2. Official recommendations

But first let's examine a quote from a European Commission press release on public procurement in a state of emergency.

"COVID-19 is a health crisis that requires quick and smart solutions and skill in dealing with a huge increase in demand for similar goods and services while some supply chains are disrupted. Public purchasers in Member States are at the forefront of most of these goods and services. They need to ensure the availability of personal protective equipment such as face masks and protective gloves, medical devices, in particular ventilators, other medical equipment, but also hospital and IT infrastructure, to name but a few.

At European level, the Commission, together with the Member States, has stepped up its efforts by launching joint procurement actions for various medical devices. To further adapt its assistance to this emergency, the Commission explains in these guidelines what options and flexibility mechanisms

are available within the EU framework on public procurement for the purchase of goods, services and works needed to face the crisis. Therefore, public purchasers can consider several options:

- First, in cases of urgency, they can resort to opportunities for substantial reductions in deadlines to speed up open or restricted procedures.
- If these flexibility mechanisms are not sufficient, a negotiated procedure without publication can be considered. Finally, direct award to a pre-selected economic operator could even be allowed, provided that the latter is the only one capable of ensuring the necessary deliveries within the technical and time limits imposed by the extreme urgency.
- In addition, public purchasers must also consider alternative solutions and market contacts." (Sursa: EUR-lex, 2020, p. 1)

The European Commission therefore recommends, in the context of the covid-19 "health crisis", "quick and smart solutions and skill in dealing with huge increases in demand for goods

and similar services". The reason for this recommendation is that "certain supply chains are disrupted". Moreover, the European Commission says, "public purchasers in the Member States are in the front line". The European Commission's advice to public purchasers is to adapt to the situation, and even gives them options and flexibility mechanisms through:

- Substantially reducing deadlines for speeding up "open or restricted procedures".
- Even a "negotiated procedure without publication" can be considered.
- By 'direct award to a pre-selected economic operator' who is 'certain to be able to ensure the necessary deliveries' in a situation of 'extreme urgency'.

In the context of the emergency created by the covid-19 pandemic and the EC recommendations, public procurement heaven has been unleashed and hence the risks of corruption. The EC inadvertently offers alternatives and a "fertile ground" in a perfectly level playing field for so-called public procurement.

However, Marin Mrčela, President of GRECO, Group of States against Corruption, warns in his article of 15 April 2020, about the risks of corruption. Among GRECO's recommendations in this regard, we list transparency, oversight, and accountability.

The healthcare system, the most affected during the pandemic "is particularly exposed", says GRECO President. And this is due to the "imminent need for medical supplies" (and therefore the simplification of rules governing procurement), overcrowded institutions and overstretched medical staff." (Mrčela, 2020, p. 2).

Despite GRECO regulations, public procurement during the state of emergency got out of control, therefore, we will examine the publication Public Procurement... to get a clear picture of Corruption in the healthcare system in the context of the covid-19 pandemic.

Thus, we learn from the publication mentioned above that the analysis undertaken was based on "a considerable set of data including information on public procurement procedures and contracts". Interestingly, the analysis is a comparative one, undertaken over a period of five years. Thus, the period analysed refers to the period before the state of emergency, during the state of emergency, but also includes the period immediately after the state of emergency. Relevantly, the study recalls that the data was collected from three sources, namely, the Romanian government portal, SICAP (Collaborative Information System for the Efficient Public Procurement Environment) and TED (electronic document of the Supplement to the Official Journal of the EU for Public Procurement in Europe (Abdou et al., 2021, p. 8).

Specifically, the collective of analysts dealt with 1.7 million public procurement notices and contracts for the period 2017-2021. The report, the authors note (Abdou et al., 2021, p.18) looks at the corruption risk index (CRI) for procurement of products needed during the pandemic and for the

medical market. This corruption index, the authors of the report point out may represent "the direct effect of the emergency period." At the same time, products in the remaining markets may represent indirect effects of the emergency period.

Interestingly, the report demonstrates, public institutions faced a double challenge, namely, public institutions providing health care services "were asked to drastically increase spending to cover the lack of supply of crisis items (masks) (Abdou et al., 2021, p.20). At the same time, regulatory bodies at European and national level "relaxed the set of controls [...] to allow for faster transactions" (ibid.). As a result, this relaxed framework was expected to lead to a negative impact in terms of public procurement integrity, the report concludes.

Table 1 in the report (Abdou et al., 2021, p. 20) provides concrete data on the documents consulted for each source that the analysts used. Thus, for DATAGOV, they consulted a total of 99,468 submissions with 7,010 contracting authorities and 20,151 suppliers. In the case of E-licitatie.ro, there were 1,147,332 observations with 13,665 contracting authorities and 38,968 suppliers. For TED, there were 490,451 comments with 2,706 contracting authorities and 13,415 suppliers.

The authors of the report note that medical equipment has the highest share, 57%, followed by construction works, 5.25%, food and beverage, 5.66%. Surprisingly, according to data provided by the report's authors, construction works have the highest value of contracts, €59.8 billion, compared to €14.9 billion for medical equipment and €4.86 billion for transport equipment. Most contracts are for the supply of goods (13.1%) and services (10.9%) (ibid).

To complete their information, the authors used the CONFIDAS register. Thanks to this information, the authors of the report identified new indicators, such as market-shifting behaviour, but also "the relationship between the size of the economic operator (micro enterprise, SME, large firm) and the risk of corruption in procurement" (ibid.).

The core group of analysts was divided into two subgroups. One sub-group analysed procurement of goods and services in the health sector and the second sub-group analysed procurement needed during the pandemic, i.e. protective equipment, disinfectant, etc.

The study reveals that the state of emergency was "fertile ground" for corruption risk, which is directly related to the "relaxed regulatory framework adopted by the Romanian authorities to compensate for the supply deficit (Abdou et al, 2021, p. 10). As the study points out, "research shows that the risk of corruption for commodities related to the management of the covid-19 pandemic increased particularly during the state of emergency" (ibid).

Interestingly, alongside health procurement, there were other procurements unrelated to the pandemic, but both categories with a high risk of corruption. But of the two categories, procurement, which was related to the pandemic, shows 50% risk of corruption (ibid).

The study identifies the elements with the highest risk of corruption during the state of emergency, namely:

- "Incorrect use of less transparent types of procedures" for the procurement of products, which had nothing to do with the health crisis.
- "Presence of registered suppliers in tax havens".
- Suppliers entering the market who had no experience in the contract area.

It is worth mentioning that all these elements indicate an increased risk of corruption during the health crisis, which favoured the emergence of these elements, which would not have been possible in normal times.

The authors' observations refer to the fact that near the end of the emergency period, as well as at its end, there is no decrease in corruption risks. On the contrary, in the case of contracting authorities with a lower risk of corruption before the state of emergency, a significant increase was observed.



The team of analysts comes up with the following recommendations to mitigate the risk of corruption:

- Monitor the types of emergency procedures to reduce poor procurement management and products and services of questionable quality.

- It also underlines the role that Integrity Pacts play in mitigating corruption risks and insists on "extending their scope to public entities" (ibid.).

- Moreover, it insists on the publication of open and quality data, which should be a priority for the Romanian government.

- It also recommends investing in digitisation, interconnecting platforms, datasets, and administrative processes", as well as providing training for public sector employees and strengthening the monitoring of existing integrity risks".

All this, the researchers conclude, "represents pro-active policy interventions to improve data quality and reduce corruption risks". (Abdou et al, 2021, p. 12).

The sub-groups, which were the focus of the research team's analysis, are the "list of products needed in the covid-19 pandemic (COVID products) and healthcare providers" (Abdou et al., 2021, p. 20). The covid products are identified in two lists; the first list refers to those strictly related to covid-19 provided by TED (European Union publication, online version of the Supplement to the Official Journal of EU, whose existence started in 1978 and deals with the publication of notices concerning procurement procedures of public authorities); the second list refers to the products needed during the covid-19 pandemic, regulated by the Romanian authorities through ordinance 11/20 .

The product lists refer to more complex purchases, e.g. ventilators and monitors for the respiratory system, but also less complex ones, e.g. disposable gloves. The report clarifies what a covid product contract consists of, namely, "if at least one of the contracted products is related to the covid pandemic-19" (ibid).

Interestingly, the report identifies 11 indicators, which restrict competition (Abdou et al., 2021, p. 22), five of which are specific to the emergency period. The first such corruption risk indicator is single bid, which is the result of public procurement when "only one bid is submitted in a tender process in an otherwise supposedly competitive market".

**Type of procurement procedure**, which contributes to limiting competition through direct purchases or negotiated procedures, but without prior publication of notices, whereas open tenders are competitive procedures.

**Lack of publicity** is another important KPI in that it represents "a deliberate attempt to prevent the dissemination of information related to a procurement process.

**Tax haven** is where a supplier is registered in a tax haven, the contract is suspect. The reason is that bidders can hardly be held liable, unlike a bidder registered in a country that is not considered a tax haven.

**Supplier's share of the contracting authority**, defined as the supplier's share of a contracting authority's total contracts per year. In competitive markets high values of the winner's share are unlikely.

**Tender periods and award decision periods.** The length of these stages can be defined as a type of procedure. But the periods for submission of tenders and for decisions that are too short or too long are considered anomalies. These anomalies could signal collaboration between a buyer and a supplier on the one hand, and legal challenges associated with challenges on the other. This is the case in emergency situations when shorter procurement periods are preferred to cover immediate needs. The authors of the report assume that shorter periods present a key risk of corruption. In the case of harder-to-procure covid products, there is the possibility of a longer period for completing the **procurement process**.



Alongside these indicators (KPIs), the authors of the report identified indicators specific to the covid emergency-19 (Abdou et al., 2021, p. 23).

**Market switching occurs when suppliers** (identified by CAEN code) not specialising in the field of health care are active in the CPV medical products sector during the emergency. These suppliers may present risks for procurement by exploiting the regulatory framework during the emergency, i.e. switching the scope of activity.

Another indicator specific to emergency conditions is **experience with COVID products**, in which case, risk category 1 is that the healthcare provider does not have the necessary experience to market COVID-related products-19.

Also in this risk category, the specific state of emergency refers to **a newly established company**. In the above case, the supplier is only included in the dataset after the emergency has occurred.

Another risk indicator refers to the location of the supplier, in other words, it is **a local supplier**.

Also, in the category of risk indicators specific to the emergency, the supplier is **micro**. In this case of corruption risk, the supplier has less than 50 employees.

Regarding the risk indicators that the authors of the report found, they conclude (Abdou et al., 2021, p. 26) that among the 11 risk factors, the length of the submission and decision periods shows the highest share of corruption risk. In this sense, contracts with submission periods of approximately one month or decision periods shorter than two months present serious corruption risks.

Also, the authors in their hierarchy, (Abdou et al., 2021, p. 24) find that micro suppliers (firms with less than 50 employees) present a significant corruption risk. Interestingly, the authors note that during the emergency period "corruption risk patterns have changed" (Abdou et al., 2021, p. 26).

**Part 2** of the report (Abdou et al., 2021, p.65) mentions the purpose of the report. In the introduction, reference is made to decrees 195/ 16.03.2020 (see Annex 4) and 240/ 14.04.2020 (see Annex 5), respectively, which the President of Romania issues to establish new rules for "the conduct of public procurement necessary to combat COVID-19" (ibid).

Decree 195 refers to the establishment of the state of emergency, while Decree 240 refers to the extension of the state of emergency. Thus, the two decrees provide for emergency medical and social measures to prevent the spread of the virus.

Interestingly, under measures in the economic system, both decrees refer to and we quote from the original text "central public authorities, as well as legal entities in which the state is a majority shareholder may directly acquire materials and equipment necessary to combat this epidemic" (Source: Decree 195/ 16.03.2020, art. 10).

Decree 240, the text of which is generally similar to that of Decree 195, Article 15 states: "Contracting authorities, including legal entities in which the State is a majority shareholder, have the right to directly purchase materials and equipment necessary to prevent and combat COVID-19, exceeding the value threshold established by Law 98/ 2016 on public procurement, within the budgetary funds allocated for this purpose" (Source: Decree 240/ 14.04.2020).

We note from the two decrees the key words "direct purchases" and from the second one "exceeding the value threshold" established by Law 98/ 2016. In other words, we are dealing with the terms that have contributed to the relaxation of conditions on public procurement, in the context of the COVID-19 pandemic, a sure way that leads to corruption risks. Of course, we also must consider that the report refers to the fact that the list of purchases, to fall under covid products, is enough one on the list, for the whole list to be among the products required in these circumstances.

Going back to the two presidential decrees, the journalists' report clarifies that their purpose was to make it easier for public institutions to purchase the necessary materials quickly during the pandemic, through less competitive procedures and the temporary suspension of transparency obligations.



On the one hand, the purpose of the report was to examine the extent of compliance with presidential decrees, and on the other "the extent to which public institutions took advantage of the exceptional situation to abuse the public money at their disposal" (Abdou et al., 2021, p. 62).

The result of the analysis was that most of the contracts reviewed were correctly awarded and targeted to combat the pandemic. However, poor administrative capacity and excessive bureaucratic burden were a red flag in terms of the readiness of the state to manage efficiently and effectively, not only in case of pandemic, but also in case of natural or entropic disaster (referring to on or mankind, source: <https://dexonline.ro>). As for the qualitative and quantitative analysis of the data obtained in the report, it considers "more than 12,000 procurements" (Abdou et al., 2021, p. 68).

To the requests of the research team, the institutions' responses were diverse. Some sent centralised lists of all acquisitions during the period covered by the study, 16 March to 4 May 2020. In terms of data processing, some institutions sent editable material, which was a significant contribution. Others sent scanned or lists, which cannot be edited, making the work of the team more difficult. There were also cases, e.g. CF Craiova Clinical Hospital (ibid.), which sent insufficiently legible documents and therefore manual centralisation was necessary, thus slowing down the analysis process.

As for the data collected, each institution interpreted the request differently and consequently, in some cases, it was unclear whether the prices contained VAT or not. There were also cases where there were mistakes in the wording of the reply, e.g. mixing up some headings or inconsistent data. A concrete example (ibidem) is Hidroelectrica, which in its communication included a contract with an amount, which on SICAP (electronic system for recording public tenders, source: <https://www.licitatii-seap.ro>) was associated with another contract.

Formatting was again a problem because PDF or WORD files were unsuitable for processing the data. Even some EXCEL files made data analysis difficult.

Communication itself was a problem. Since the COVID-19 pandemic limited communication and only took place online, communication between institutions was hampered for various reasons, among which internet connection was the most common. On the other hand, the pandemic resulted in many employees falling ill and others working at home. In these circumstances, the report notes, using various excuses, the institutions did not send the response in time. For example, "the person, who is in charge is sick and there is no one to take his place", "they do not have the documents at home, where they work, to be able to extract the requested information" etc (ibid.).

As for the system that we are interested in, namely the health system, the report mentions that requests for information of public interest were sent to 101 hospitals. However, only 30 responded to the request, of which only 21 sent procurement databases. 6 sent replies, which refer to a website or database SICAP or the Court of Auditors. And of the remaining 24, 17 sent hard-to-track centralisers (Abdou et al., 2021, p. 70).

As for value, the report states that between 40% and 90% of hospital purchases strictly comprised protective equipment and disinfectants, as well as cleaning products (Abdou et al., 2021, p. 71). As a concrete example, the report mentions the Nephrology Clinical Hospital, "Dr. Alexandru Davila", which allocated 85% of its total purchases for the emergency period to protective equipment, disinfectants and cleaning products, including a washer and dryer. Also during the state of emergency, in order to adapt to the needs, some hospitals made investments in infrastructure. This is the case of the Botoșani Pneumo-Phthysiology Hospital, the Galati CF Hospital, the Satu Mare County Emergency Hospital, the Slatina County Emergency Hospital, the Zalău County Emergency Hospital and the Adjud Municipal Hospital. Although, given the hospitals' need to adapt to the rules, circuits and medical protocols to the covid-a9 pandemic, and many of the works were even necessary, a number of purchases, included on the suppliers' lists, appear as current repairs, the analysts' collective states.



### 3. Case Study – Romania

*Descriptive qualitative analysis of the winners* (Source: Abdou et al., 2021, p. 106) as well as *Number of contracts by direct purchase* give us the Top 10 winning companies. The National Company Uniform with a total of 70 contracts is ranked 1st, Pharmics 2nd and Alliance Healthcare 3rd with 21 contracts. Maura Cert Concept is only in 6th place. Interestingly, the top 3 places are occupied by companies, which market pharmaceutical products. Uniform is far ahead of the others in terms of number of contracts.

The same document gives us the Top 10 companies with the number of direct purchase contracts. In first place is again Uniform with 43 contracts, followed by DNS Birotica with 19 (which deals with furniture for schools) and, surprisingly, the company with one employee Maura cert Concept SRL, with 18 contracts.

Among the companies that appear in the Top 10, made by the authors of the report Public procurement in emergency situations in the context of covid-19, we will focus on the 1st and 6th place, **CN Uniform SA** and **Maura Cert Concept**. Following some research on the two firms, here is what we discovered.

At the central level, the 1st place, the National Company Uniform SA was established in 1999, with headquarters in Bucharest, sector 1 (Source: <https://www.risco.ro>). From the Turnover section of the same website, since it was founded, we learn that in 2020 it had the highest turnover, 399 M, more precisely 399,218,299 lei, compared to the previous years. We dare to ask, what is the key to this huge success?

From the Special Report of the Court of Accounts we learn that in June 2020, Adrian Ionel, the company's general manager, was placed under criminal prosecution. The reason: the announcement of the DNA that the CEO had demanded a bribe, 760,000 euros from a company.

The Court of Auditors, through its Special Report on the management of public resources during the state of emergency, brings to our attention a "separate chapter, the Uniform chapter", the Court of Auditors' Special Report: Uniform Chapter: Contracts with intermediaries, not with producers, payments without receipt of products, non-compliant purchases.

Among the irregularities reported by the Court of Auditors at Uniform, we list:

- purchase of equipment, sanitary materials from intermediary companies.
- payment for products received in smaller quantities than contracted.
- purchase of medical equipment at prices much higher than those charged at the time.
- purchase of non-compliant masks.
- unjustified payments of 1.3 billion lei for the purchase of masks.
- failure to record in the accounts pharmaceutical products received from donations/sponsorships

in the amount of approximately 401 thousand lei.

Conclusion of the Court of Auditors:

- Mismanagement of financial resources.
- failure to supply the health network adequately and urgently with specific products to combat the Coronavirus pandemic.

From the second Special Report, *Court of Auditors Special Report / Expenditure to fight coronavirus: 1 billion euro until June*. Damages of almost 8 billion euros, we learn that an inspection mission was carried out at CN Uniform SA, a state-owned commercial company under the Ministry of Health, on the management of public resources during the state of emergency. In the context of the covid-19 pandemic, Uniform had to deal with:

- Emergency procurement of health materials and equipment to ensure the necessary stocks to manage the influenza epidemic and the coronavirus threat in Romania.
- Supplying the health network with specific products to combat the epidemic.





Following the audit, the Court of Auditors found the following irregularities:

- CN Unifarm SA contracted 2 loans, each of them under completely different conditions.
- CN Unifarm received specific medicines for the treatment of covid-19 as a donation, 61% of which were distributed to the beneficiary entities and the remainder in the company's stock.
- The company purchased sanitary equipment/materials from intermediary companies, despite having authorization to make purchases directly from manufacturers.
- Purchase of medical equipment at inflated prices. For example, ventilators made in China, purchased by the company for USD 56,000, compared to prices between USD 7,000 and USD 10,000/piece.
- Inconsistencies and irregularities in the supply contracts concluded between CN Unifarm and the Ministry of Health. Example: to provide humanitarian aid to the Republic of Moldova, free of charge, based on the invitation to tender No 704 of 05.05.2020 and the specifications approved by the authorising officer of the Ministry of Health, CN Unifarm SA sent the financial offer and the qualification documents. The tender specifications inform us that the purchase made in two lots included: medical equipment (gloves, overalls, goggles and visors, all protective equipment in the amount of 10,665 thousand lei excluding VAT and antiseptic and disinfectant solutions in the amount of 1,477 thousand lei.

**At the local level**, the investigative journalism article, "In time of pandemic, Brasov City Hall made direct purchases of protection materials worth about 1.1 million lei" from only 2 companies, published on 11 August 2020, of which Maura Cert Concept holds the majority. From the [risco.ro](http://risco.ro) website we learn that the company was established in 2017, is based in Brasov and has only one employee, Mrs Cristea Aurora. From the same website, we learn that in 2020, the company had the highest turnover, 2,538,806.

For the reasons mentioned above, the City Hall of Brasov stands out with corruption-prone purchases. As a result of OUG 78/2020, which stipulated that the Ministry of Health, through the county and municipal health directorates "shall provide the necessary protective masks for disadvantaged families and individuals within the administrative-territorial units (OUG 78/2020), Mayor George Scripcaru states, "As you already know, the Government issued in May OUG 78/2020, which provides for the provision of protective masks to people from disadvantaged categories. Because the tender carried out by the Romanian Government, i.e. the Ministry of Health, regarding the implementation of the provisions of this ordinance is contested and is not implemented even now, I have discussed with my colleagues from the Social Assistance Department of the City Hall of Brasov and the Voluntary Service for Emergency Situations, and, in order to prevent the spread of the Coronavirus, I proposed to the Local Committee for Emergency Situations and the Local Council the purchase of masks by the municipality, to distribute them to people in the municipality of Brasov who are in the DAS database. Today the distribution of these masks to the beneficiaries has started and we believe that this is a useful, necessary, and beneficial thing for the municipality of Brasov, considering the effects of the pandemic and the difficult situation in which these people find themselves".

*However, Brasov City Hall does not mention where it will make the purchase, the author of the Litera 9 article mentions. Relevant is the fact that from 13 March to 9 August, Brasov City Hall purchased covid-19 products worth 1,012,574.4 lei, from a single company, the article adds.*

*Considering, the above mentioned and judging by the risk indicators identified by the report of the collective of researchers led by Ally Abdou (Abdou et al., 2021, p. 22), we have also identified 4 risk indicators specific to the state of emergency, which the Maura Cert Concept company presents.*

- *Market switching (the company is listed at establishment - 2017 - with "retail trade in non-specialized stores, among which, sanitary protective materials are not found), supplier location (local supplier) and micro supplier (the company has only one employee, therefore, less than 50).*



#### 4. Conclusions

Based on the documents examined, *Public procurement in emergency situations in the context of COVID-19 in Romania - Corruption risks and market behaviour*, Official Journal of the European Union, Commission Communication, *Corruption risks and useful legal references in the context of the spread of COVID-19, EGOs from the period of the state of emergency*, as well as the article in *Litera and Special Report Court of Auditors, Unifarm Chapter: Contracts with intermediary not with producers, payments without receipt of products, non-compliant purchases and Special Report Court of Auditors/ Expenditure to fight coronavirus : 1 billion euros until June*, we can state that the period of the state of emergency has been "fertile ground" for corruption-prone procurement, in all fields, but especially in the medical system.

Therefore, the author of the *Court of Auditors Special Report, Unifarm Chapter: Contracts with intermediaries not with manufacturers, payments without receipt of products, non-compliant purchases, and Special Report Court of Auditors / Expenditure to combat coronavirus: 1 billion euros until June*, comes up with proposals, to optimise the activity in emergency situations, both from the point of view of the control teams and the controlled entities. Below are the proposals of the Court of Auditors, to which we, as non-specialists but potential patients, can only subscribe.

(Source: Răzvan Diaconu, *Raport special Curtea de Conturi, Capitolul Unifarm: Contracte cu intermediar nu cu producători, plăți fără recepția produselor, achiziții neconforme* și *Raport special Curtea de Conturi/ Cheltuieli pentru combaterea coronavirus: 1 miliard de euro pana in iunie. Prejudicii de aproape 8 miliarde euro*).



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